

### REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-26 are pending, Claims 1, 6, 10, 15, 19 and 22 are amended and Claim 26 is added by way of the present amendment. Support for amendments to the claims can be found on pages 12-13 of the originally filed disclosure. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-25 were rejected under 35 U.S.C. §103(a) as unpatentable over Kato et al. (U.S. Patent No. 6,301,663, herein Kato) in view of Katoh (U.S. Patent Pub. No. 2002/0073037) and in further view of Kaplan ("IBM Cryptolopes, Superdistribution and Digital Writes Management", hereinafter "Kaplan").

Addressing now the rejection of Claims 1-25 under 35 U.S.C. § 103(a) over Kato, Katoh and Kaplan, Applicants respectfully traverse this rejection.

Claim 1 recites, in part,

obtaining a unique recording medium ID corresponding to the recording medium from a predetermined region of the recording medium, the recording medium ID pre-recorded on the predetermined region of the recording medium;

generating independent write identification information for every recording operation performed on the digital data;

encrypting data identification information of the digital data and data control information by the use of the write identification information and encrypting the write identification information by use of the recording medium ID; and

recording at least the encrypted data identification information and data control information to the recording medium.

Although of differing class and/or scope, independent Claims 6, 10, 15, 19 and 22 recite similar features with regard to the recording medium ID.

Kato describes a system for preventing unauthorized copies of multimedia data.

Further, Kato describes that Disc keys encrypted by master keys are recorded to a DVD.<sup>1</sup>

However, Kato does not describe or suggest obtaining a unique recording medium ID corresponding to the recording medium from a predetermined region of the recording medium, the recording medium ID pre-recorded on the predetermined region of the recording medium as is recited in Claim 1.

In other words, in Kato, disc keys are used to encrypt audio information and are then recorded along with the audio information on the DVD. However, the disc keys are not obtained from a predetermined region of the recording medium. In addition, the disc keys are not pre-recorded on the predetermined region of the recording medium.

The outstanding Action relies on Katoh as curing the above noted deficiencies of Kato with regard to the claimed invention.

Katoh describes a system of controlling copy generations of digital data. In addition, Katoh describes that PID data that is embedded in the encoded data which is then recorded to the DVD.

However, Katoh does not describe or suggest obtaining a unique recording medium ID corresponding to the recording medium from a predetermined region of the recording medium, the recording medium ID pre-recorded on the predetermined region of the recording medium as is recited in Claim 1.

In other words, Katoh describes embedding an ID data 124 in the encoded data 122 that is to be recorded on the recording medium. However, the PID data is not obtained from a predetermined region of the recording medium. In addition, the PID data is not pre-recorded on the predetermined region of the recording medium.

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<sup>1</sup> Kato, col. 6, lines 20-24.

The outstanding Action relies on Kaplan as curing the above noted deficiencies of Kato and Katoh with regard to the claimed invention.

Kaplan describes fingerprinting or watermarking a document when it is created to identify the source of the document. Further, Kaplan describes that, when the user “buys” a document, a new fingerprint or watermark is added to the document as it is decrypted to identify the purchaser. At creation of the document is the only time that a fingerprint or watermark is added to a document in Kaplan.

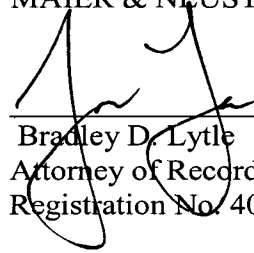
However, Kaplan does not describe or suggest obtaining a unique recording medium ID corresponding to the recording medium from a predetermined region of the recording medium, the recording medium ID pre-recorded on the predetermined region of the recording medium as is recited in Claim 1.

Thus, as none of the cited references describes or suggests the features of the recording medium ID recited in Claim 1 and similarly in Claims 6, 10, 15, 19 and 22, Applicants respectfully submit that Claims 1, 6, 10, 15, 19 and 22, and claims depending therefrom, patentably distinguish over Kato, Katoh and Kaplan considered individually or in combination.

Consequently, in light of the above discussion it is respectfully submitted that Claims 1-26 patentably define over the asserted prior art. A Notice of Allowance is therefore earnestly solicited.

Respectfully submitted,

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